

85-251-XA  
PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 (238.1) to allow a front yard setback of 9 feet in lieu of the required 20 feet and (238.2) to allow a side yard setback of 7 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The position of the existing residence.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State Attorney for Petitioner: (Type or Print Name) Signature Address City and State Attorney's Telephone No.:  
Legal Owner(s): (Type or Print Name) Signature Address City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Andy Hill  
Andy Hill  
4065 North Point Road  
Baltimore, Md. 21222  
Baltimore, Md. 21222

ORDER RECEIVED FOR FILING  
DATE 2/22/85  
BY [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of February, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 18th day of March, 1985, at 10:30 o'clock.

[Signature]  
Zoning Commissioner of Baltimore County.  
(over)

85-251-XA  
PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State Attorney for Petitioner: (Type or Print Name) Signature Address City and State Attorney's Telephone No.:  
Legal Owner(s): (Type or Print Name) Signature Address City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Andy Hill  
Andy Hill  
4065 North Point Road  
Baltimore, Md. 21222  
Baltimore, Md. 21222

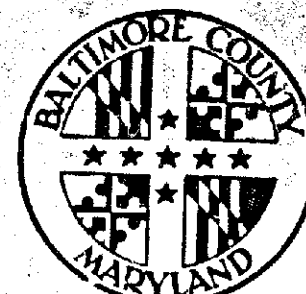
ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of February, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 18th day of March, 1985, at 10:30 o'clock.

[Signature]  
Zoning Commissioner of Baltimore County.  
(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: March 11, 1985  
FROM: Norman E. Gerber, Director, Office of Planning and Zoning  
SUBJECT: No. 85-251-XA, Andy Hill

Please consider the comments of the Division of Current Planning and Development's representative on the Zoning Plans Advisory Committee and the Chesapeake Bay Critical Area Comments (2/12/85) to be this office's comments on this petition.

[Signature]  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1985

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Flood Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Andy Hill  
4065 North Point Road  
Baltimore, Maryland 21222

RE: Item No. 185 - Case No. 85-251-XA  
Petitioner - Andy Hill  
Special Exception & Variance

Dear Mr. Hill:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Frank S. Lee  
1277 Neighbors Avenue  
Baltimore, Maryland 21237

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.  
DIRECTOR

February 12, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #185 (1984-1985)  
Property Owner: Andy Hill  
N/W cor. North Point Rd. and New Battle Grove Rd.  
Address: .61  
District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

North Point Road (Md. 20) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

East Battle Grove Road is proposed to be further improved in the future as a 36-foot closed section roadway on a 50-foot right-of-way, with fillet areas for sight distance at the North Point Road intersection.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #185 (1984-1985)  
Property Owner: Andy Hill  
Page 2  
February 12, 1985

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in East Battle Grove Road and North Point Road.

Very truly yours,

[Signature]  
JAMES A. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:EAM:FWR:ss

E-SW Key Sheet  
11 & 12 SE 29 Pos. Sheets  
SE 3 H Topo  
104 Tax Map

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 6th day of February, 1985.

[Signature]  
ARNOLD JABLON  
Zoning Commissioner

Petitioner Andy Hill  
Petitioner's Attorney

Received by [Signature]  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations



Maryland Department of Transportation  
State Highway Administration

William K. McGinnis  
Secretary  
Hal Kassoff  
Administrator

January 18, 1985

Mr. A. Jablon  
County Office Bldg.  
Towson, Maryland 21204  
Att: N. Commodari

Re: Baltimore County  
ZAC meeting 1/9/85  
Item 185  
Property Owner: Andy Hill  
Location: N/W corner  
North Pt Rd (Rte 20) and  
New Battle Grove Rd  
Existing zoning: M.L.-  
CS1- M.L.-IM-B.R.-CS1  
Proposed Zoning: Special  
Exception for a service  
garage. Variance to allow  
a front yard setback of 7  
feet in lieu of the req.  
10 ft.  
Acres: .81  
District: 15th

Very truly yours,

Charles Lee, Chief  
Bureau of Engr. Access Permits

by: George Wittman

Mr. N. Commodari  
Page 2  
January 18, 1985

CC: Mr. J. Ogle

enc.

Dear Mr. Commodari,

On review of the submittal of 12/5/84 and field inspection the State Highway Administration will require the plan to be revised.

The revised plan must show a 25' entrance, with 10' radii established 27' south of the north property line.

S.H.A. Type "A" concrete curb and gutter must be constructed along the Route 20 frontage.

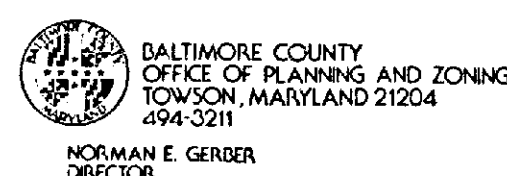
A distance of 20' from the centerline of North Point Road to the face of the proposed curb and 30' radius at the New Battle Grove intersection must be shown.

The area from the edge of the traveled way to the proposed SHA-Concrete curb and within the entrance to the proposed R/W line must be paved to meet SHA standard.

All work within the SHA R/W must be through permit and it is requested the plan be revised prior to a hearing date being set.

CL/GW/es

My telephone number is 301-659-1350  
Continued Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 505-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

2/8/85  
Re: Zoning Advisory Meeting of 1/9/85  
Item # 185  
Property Owner: Andy Hill  
Location: N/W corner North Pt Rd. +  
New Battle Grove Rd.

Dear Mr. Jablon:  
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ( ) There are no site planning factors requiring comment.
- (x) A County Review Group Meeting is required.
- ( ) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- (x) Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by §111.178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by §111.178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (x) Additional comments:  
This site is located in the Chesapeake Bay Critical Area. It is subject to the same restrictions as all other areas within the Critical Area. The service garage must be shown.

Eugene A. Bober  
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MR. ARNOLD JABLON  
TO: Zoning Commissioner Date: February 13, 1985

NORMAN E. GERBER, Director  
FROM: Office of Planning and Zoning

Chesapeake Bay Critical Area Comments,  
SUBJECT: Petition for S.E. and Variance, Item #185, Andy Hill

This petition is not consistent with the requirements of the Chesapeake Bay Critical Area Program. The increase in impervious surfaces will create increased water runoff and pollutant loadings from the site. Mitigation practices resulting in no increase over present runoff quantities are necessary.

NEG:PJS:vh

Norman E. Gerber  
Director of Planning  
and Zoning

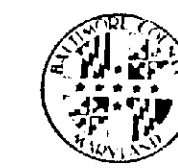
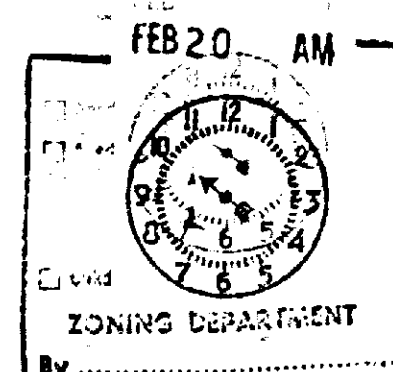
cy: Robert W. Marriott, Jr.  
Deputy Director of Planning

Andrea Van Arsdale  
Coastal Zone Planner

James G. Hoswell  
Planner

Colin K. Thacker  
Department of Health

People's Counsel



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

February 8, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 185 -ZAC Meeting of January 9, 1985  
Property Owner: Andy Hill  
Location: N/W Corner North Point Road and New Battle Grove Road  
Existing Zoning: M.L.-CS1 - M.L.-IM - B.R.-CS1  
Proposed Zoning: Special exception for a service garage. Variance to allow a front yard setback of 9 feet in lieu of the required 25 feet and to allow a side yard setback of 7 feet in lieu of the required 30 feet.

Acres: .38  
District: 8th

Dear Mr. Jablon:

The site plan should be revised for the following items.

1. The entrance to the site on North Point Road should be revised to meet the State Highway Administration's standards.
2. The entrance on New Battle Grove Road should be revised to meet County standards, i.e., a 24' wide entrance with 10' radius.

MSF/cam

Michael S. Flanigan  
Traffic Engineering Assoc. II



BALTIMORE COUNTY  
DEPARTMENT OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

January 23, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Andy Hill

Location: N/W Corner N. Pt. Rd. and New Battle Grove Road

Item No.: 185 Zoning Agenda: Meeting of 1/9/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle ead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The fire Prevention Bureau has no comments, at this time.

REVIEWED By: [Signature] 1/23/85 Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



AUG 2 1951



**FRANK S. LEE**

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

December 20, 1984

No. 4065 North Point Road  
15th Election District, Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the northwest side of New Battle Grove Road with the west side of North Point Road, thence running and binding on the northwest side of New Battle Grove Road South 48 degrees 47 minutes 23 seconds West 214.40 feet, thence leaving New Battle Grove Road for five lines of division as follows: North 41 degrees 12 minutes 26 seconds West 122.35 feet, North 56 degrees 46 minutes 24 seconds East 59.72 feet, North 41 degrees 12 minutes 26 seconds West 55 feet, North 48 degrees 00 minutes East 105 feet and North 88 degrees 52 minutes 30 seconds East 132.63 feet to the west side of North Point Road, a d thence running and binding on the west side of North Point Road by a line curving to the left with a radius of 721.25 feet for a distance of 100 feet to the place of beginning.

Containing 0.81 acres of land more or less.  
Save and except the ML C51 and ER C51 areas.



**PETITION FOR SPECIAL EXCEPTION AND VARIANCES**

15th Election District

LOCATION: Northwest corner North Point Road and New Battle Grove Road (4065 North Point Road)

DATE AND TIME: Monday, March 18, 1985 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

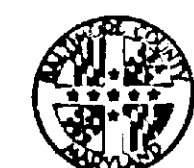
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage and Variances to allow a front yard setback of 9 feet in lieu of the required 25 feet and a side yard setback of 7 feet in lieu of the required 30 feet

Being the property of Andy Hill, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



**Baltimore County, Maryland**

PEOPLES COUNSEL  
RM. 223, COURT HOUSE  
TOWSON, MARYLAND 21204  
484-2188

PHYLIS COLE FRIEDMAN  
People's Counsel

PETER MAX ZIMMERMAN  
Deputy People's Counsel

April 15, 1985

Robert E. Joy, Esquire  
1301 Morris Boulevard  
Baltimore, MD 21222

RE: Andy Hill, Petitioner  
Zoning Case No. 85-251-XA

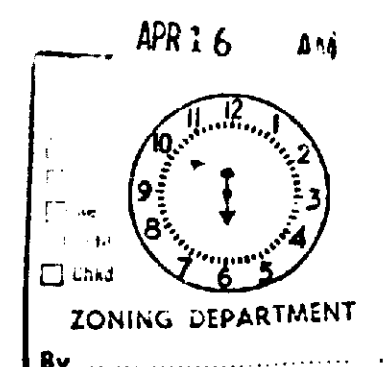
Dear Mr. Joy:

Please be advised that this office has determined not to file an appeal from the Zoning Commissioner's Order dated March 22, 1985, in the above-entitled case. The absence of an appeal does not, however, mean automatic approval of application for building permits. The approval or disapproval of any building permit application rests on separate legal authority, and we direct your attention to the comments contained in the Zoning Advisory Committee Report. We would also remind you that other County agencies are involved in the review of other permit applications separate and apart from the zoning determination.

Very truly yours,

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel

cc: Nicholas Commodari, Zoning Office  
Gene L. Neff, Dept. of Public Works  
Ian J. Forrest, Director, Environmental Services, Health Dept.  
Colin K. Thacker, R.S., Director, Waste & Water Quality Mgt.  
PMZ:sh



IN RE: PETITIONS SPECIAL EXCEPTION AND ZONING VARIANCES  
NW corner of North Point Road and New Battle Grove Road (4065 North Point Road) - 15th Election District  
Andy Hill,  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 85-251-XA

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a special exception for a service garage and variances to permit a front yard setback of 9 feet instead of the required 25 feet and a side yard setback of 7 feet instead of the required 30 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Counsel. Frank Lee, a registered land surveyor, appeared and testified on behalf of the Petitioner. Also appearing in support of the Petitioner was Joseph Zairenka, an adjoining property owner. There were no Protestants.

Testimony indicated that the subject property is presently divided into three zoning classifications. The portion of the property improved with the Petitioner's residence and on which the 30' x 50' 5-bay service garage is proposed is zoned M.L.-I.M. The remainder of the property is zoned M.L.-C.S-1 and B.R.-C.S-1.

The property is located on the corner of Old North Point and New Battle Grove Roads and is surrounded by both commercial and industrial uses. The service garage is proposed for the northwestern portion of the property with access from North Point Road. A concrete driveway traverses the property from Old North Point Road, but it will be closed and literally removed with the land reclaimed as part of the lawn area surrounding the house.

The sole purpose of the service garage is to allow the Petitioner to change tires, oil, and/or batteries of the trucks used in his sanitation business.

UNDER RECEIVED FOR FILING  
DATE *March 29 1985*  
BY *Frank S. Lee*

He will stock the necessary batteries, filters, and other accessory parts and there will be no major automotive repairs. The trucks will not be stored on the site and the garage will not be open to the public. Since the front of the building will face Old North Point Road, the requested variances are required.

The Petitioner seeks relief from Section 253.2.B.3, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR), and from Section 255.1 (238.1 and 2), pursuant to Section 307, BCZR.

It is clear that the BCZR permit the use requested by the Petitioner in a M.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use in the respective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning

classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the

land and due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

UNDER RECEIVED FOR FILING  
DATE *March 29 1985*  
BY *Frank S. Lee*

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *16th* day of March, 1985, that the Petition for Special Exception for a service garage and, additionally, the Petition for Zoning Variances to permit a front yard setback of 9 feet instead of the required 25 feet and a side yard setback of 7 feet instead of the required 30 feet be and the same are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

- The Petitioner shall obtain a letter from the State Highway Administration, Maryland Department of Transportation, for the Zoning Commissioner indicating that the proposed project satisfies the concerns expressed in its January 18, 1985 comments to the Zoning Commissioner.
- Use of the garage shall be solely for the Petitioner's business as described above.
- Approval by the County Review Group (CRG) for compliance with the Critical Area legislation; if the CRG grants a waiver, a letter indicating compliance shall be submitted to the Zoning Commissioner for approval.
- If the Department of Health and the Office of Planning determine that a crusher run surface would be better suited for the subject site than an impermeable surface, no further hearing will be required; however, a revised site plan indicating same must be submitted to the Zoning Commissioner for approval. The crusher run surface must comply with the requirements set forth in Section 10.03.38F6, COMAR.

*Arnold Jablon*  
Zoning Commissioner of  
Baltimore County

cc: Robert E. Joy, Esquire  
People's Counsel

UNDER RECEIVED FOR FILING  
DATE *March 29 1985*  
BY *Robert E. Joy*

UNDER RECEIVED FOR FILING  
DATE *March 29 1985*  
BY *Frank S. Lee*



